

Rewald lawyers charged with contempt

By Walter Wright
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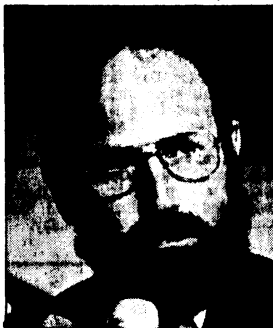
Ronald Rewald's defense lawyers were formally charged with four counts of criminal contempt of court yesterday for their handling of some CIA-related matters during Rewald's trial.

U.S. District Judge Harold Fong set Dec. 10 — the day after Rewald's sentencing — as trial date on the contempt charges. Each charge is punishable by up to six months in prison or a fine of up to \$500.

The judge accused the two lawyers basically of ignoring previous orders of the court that some CIA-related matters were irrelevant to the Rewald case.

At the same time, Fong levied a \$100 fine against one of the attorneys, Assistant Federal Public Defender Brian Tamanaha, for what the judge said were Tamanaha's repeated motions for reconsideration of a court ruling on a jury instruction dealing with CIA evidence. The judge said Tamanaha offered no new evidence or argument and persisted despite the court's warnings.

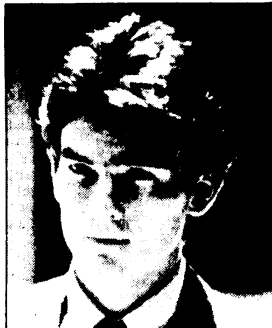
It is the first time Fong has ever imposed a financial sanction or filed criminal contempt charges against any attorney.



Michael Levine
Federal Public Defender

Fong named Special Assistant U.S. Attorney Theodore Greenberg to prosecute the charges. Greenberg was one of the four government attorneys who successfully prosecuted Rewald for fraud, perjury and tax evasion.

Rewald claimed he was taking money under false pretenses only at CIA instruction to maintain his "cover" as a wealthy businessman so he could gather intelligence.



Brian Tamanaha
Also fined \$100

During the trial, Fong had ordered both Tamanaha and Federal Public Defender Michael Levine to show cause within 21 days of the verdict why they should not be held in contempt for obtaining the signature of CIA officer John Mason on a subpoena form after Fong specifically denied their request that he order Mason to provide a signature.

Handwriting of CIA personnel

was frequently blacked out on documents used in the trial, on grounds that it was an identifying characteristic that could jeopardize such personnel or the national security if revealed.

The first count against the two lawyers involves the Mason signature episode.

The second accuses them of offering into evidence a less-sanitized version of some CIA documents than the court had approved.

The third count against them, filed under a seal of secrecy because it involves national security matters, has to do with questioning of witness Edwin F. Avary, a former consultant in Rewald's firm who also acknowledged doing "volunteer" work for the CIA observing French nuclear testing in the Pacific in the early 1970s.

The fourth contempt count, against Levine alone, involved the lawyer's demand, before the jury, that one of the prosecutors, Assistant U.S. Attorney John Peyton, acknowledge his former employment as a lawyer for the CIA. Fong had ruled any prior relationship between Peyton and the CIA irrelevant to the Rewald case, and had denied a defense motion to disqualify Peyton from prosecuting Rewald.